

IN RE: PETITION FOR ZONING VARIANCE
Cor. SE/S Belair Rd. NW/S
of Sheradale Drive
11212 Sheradale Drive
11th Election District
5th Councilmanic District
Stella Josephine Boyd
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a Petition for Zoning Variance from Section 1A04.3.B.5 to permit a 26 ft. street setback in lieu of the minimum 50 ft., as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner, Stella Josephine Boyd, appeared and testified. Appearing in support of the Petition was John Boyd. There were no Protestants.

Testimony indicated that the subject property known as 11212 Sheradale Drive consists of .791 acres +/- zoned R.C.5 and is currently improved with an existing single family dwelling.

Testimony indicated that the Petitioner is desirous of constructing a three car garage which will match the architecture of her home. The Petitioner testified that the proposed garage will have no windows and will face the same direction as her home. Testimony further indicated that Petitioner's neighbors have been advised of her plans and have no objection to same.

Based upon the testimony and evidence presented at the hearing, all of which is uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307.1 of the B.C.Z.R. and, therefore, should be granted. There is no evidence in the record that the subject variances would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of Sept., 1990 that the Petition for a Zoning Variance from Section 1A04.3.B.5 to permit a 26 ft. street setback in lieu of the minimum 50 ft., in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

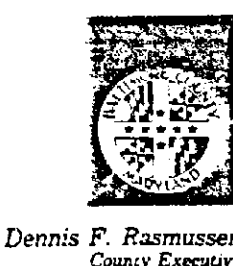
3. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH/mm
cc: Peoples Counsel

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

September 18, 1990



Mrs. Stella Josephine Boyd
11212 Sheradale Drive
Kingsville, Maryland 21087

RE: Petition for Zoning Variance
Case No. 99-543A

Dear Mrs. Boyd:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 897-3391.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mm
encl.
cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1A04.3.B.5 (Sec. III.C.2. - "A" Res., 1952) (Zoning Policy 9-5)

To permit a 26 ft. street setback in lieu of the minimum 50 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty):
1.) Due to the property being bordered to the front and both sides by public roadways; and 2.) Due to the extensive slope of the property on two of these borders prohibits any type of building construction; and 3.) Due to the proximity of the existing dwelling to the rear property line; and 4.) Due to the location of the existing water well to the rear of the existing dwelling; and 5.) Due to the required setback distance to the nearest public roadway and existing property line, it is hereby pleaded that the denial of the requested variance would burden the petitioner with a severe hardship and would cause a practical difficulty to erect the proposed building in any other location on the property, the proposed building is a practical difficulty to allow parking and containment of the numerous vehicles owned by the current residents.
Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser(s)

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner(s)

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s)

Stella Josephine Boyd

(Type or Print Name)

Signature

Stella Josephine Boyd

(Type or Print Name)

Address

11212 Sheradale Drive

592-7456

Address

Kingsville, Maryland 21087

City/State/Zip Code

Name

Stella Josephine Boyd

Address

11212 Sheradale Dr. Kingsville, MD 21087

Address

592-7456

Address

11212 Sheradale Dr. Kingsville, MD 21087

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11212 Sheradale Dr. Kingsville, MD 21087

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592-7456

Address

11212 Sheradale Dr. Kingsville, MD 21087

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do presently or upon settlement will reside at 11212 Sheradale Drive Kingsville, Maryland 21087 (Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for (for a Residential Zoning Variance at the above address) (indicate hardship or practical difficulty):
1.) Due to the property being bordered to the front and both sides by public roadways; and 2.) Due to the extensive slope of the property on two of these borders prohibits any type of building construction; and 3.) Due to the proximity of the existing dwelling to the rear property line; and 4.) Due to the location of the existing water well in relation to the rear property line and existing dwelling; and 5.) Due to the required setback distance to the nearest public roadway and closest neighboring property line, it is hereby pleaded that the denial of the requested variance would cause a severe hardship and would cause a practical difficulty to erect the proposed building in any other location on the property, the proposed building is a practical difficulty to allow parking and containment of the numerous vehicles which are owned by the Affiant and current residents at the address.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Stella Josephine Boyd
AFFILIANT (Handwritten Signature)

Stella Josephine Boyd

AFFILIANT (Printed Name)

AFFILIANT (Handwritten Signature)

AFFILIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4th day of June, 1990, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Stella Josephine Boyd

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

June 4, 1990

Notary Public

My Commission Expires: July 1, 1990

ZONING DESCRIPTION

Located at the intersection of the south side of Belair Road which is 60 feet wide, and the west side of Sheradale Drive which is 50 feet wide, Being Lot #2 Block - Section - in the subdivision of Kings Country as recorded in Baltimore County Plat Book #18 Folio #58 containing .791 Acre in lot. Also known as 11212 Sherwood Drive & located in the 11th Election District

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 11th Date of Posting: 9/1/90

Posted for: Variance

Petitioner: Stella Josephine Boyd

Location of property: 5th Belair Rd. NW/S Sheradale Drive

11212 Sheradale Dr.

Location of Sign: Being Sheradale Dr. 18' Front Yardway

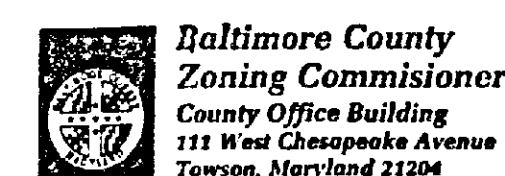
on property of Petitioner

Remarks: M. Haines

Posted by: M. Haines

Number of Signs: 1

Date of return: 9/7/90



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Number

N: 2664

Date: 5/25/90 H9000431
PUBLIC HEARING FEE: \$100.00
FEE FOR POSTING SIGNAGE: \$100.00
LAST NAME OF OWNER: BOYD
TOTAL: \$200.00

B BCCS*****600013055F

Please make checks payable to: Baltimore County

Cashier Validation:

ORDER RECEIVED FOR FILING

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER OF BALTIMORE COUNTY

5:55 post 6/16/90

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Petition for Zoning Variance
Case number: 90-543-A
Corner: SE/S Belair Road, NW/S of Sheradale Drive
11th Election District
5th Councilmanic
Petitioner(s): Stella Josephine Boyd
Hearing Date: Monday, Sept. 17, 1990 at 11:30 a.m.
Variance: To permit a 26 ft. street setback in lieu of the minimum 50 ft.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in the office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
NJB200 Aug 23

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., one in each of 1 successive weeks, the first publication appearing on 8/22/90.

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

S. Zake Olson

Publisher

\$ 76.45

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt

No 3426

Date 9/17/90

M7100214

PUBLIC HEARING FEES QTY PRICE
080 -POSTING SIGNS / ADVERTISING 1 X \$101.45
TOTAL: \$101.45

LAST NAME OF OWNER: BOYD

DA4DAN0085MICHR
BA C01124NAD7-17-90 \$101.45

Please make checks payable to: Baltimore County

Cashier Validation:

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th
Posted for: Variance
Petitioner: Stella Josephine Boyd
Location of property: Cor. SE/S Belair Rd., NW/S Sheradale Drive
11th Election District
Location of Signs: Facing Sheradale Drive, corner 10' from road way, on property of Stella Josephine Boyd
Remarks: 11/11/90
Posted by: M. H. Haines
Number of Signs: 1
Date of Posting: 6/16/90
Date of return: 6/29/90

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

DATE 8/27/90

Stella Josephine Boyd
11212 Sheradale Drive
Kingsville, Maryland 21087

Re: Petition for Zoning Variance
CASE NUMBER: 90-543-A
Corner: SE/S Belair Road, NW/S of Sheradale Drive
11212 Sheradale Drive
11th Election District - 5th Councilmanic
Petitioner(s): Stella Josephine Boyd
HEARING: WEDNESDAY, SEPTEMBER 19, 1990 at 11:30 a.m.

Dear Petitioner:

Please be advised that \$101.45 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE WORKER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRHigs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

July 5, 1990

Ms. Stella J. Boyd
11212 Sheradale Drive
Kingsville, MD 21087

RE: Item No. 431, Case No. 90-543-A
Petitioner: Stella J. Boyd
Petition for Residential Variance

Dear Ms. Boyd:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER

Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Your petition has been received and accepted for filing this 4th day of June, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received by:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Stella J. Boyd

Petitioner's Attorney:

Baltimore County
Fire Department
700 East Joppa Road, Suite 801
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke
Chief

JUNE 27, 1990

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: STELLA JOSEPHINE BOYD
Location: #11212 SHERWOOD DRIVE
Item No.: 431 Zoning Agenda: JUNE 26, 1990
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: C.H. Kelly 6-27-90 Noted and Approved Capt. Wm. J. Boyd 6/27/90
Fire Prevention Bureau
Special Inspection Division

JK/KEK

JL 05 1990

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
JUNE 22, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #: 431
PROPERTY OWNER: STELLA JOSEPHINE BOYD
LOCATION: CORNER OF SE/S OF BELAIR RD, NW/S of Sheradale Dr. (11212 Sherwood Drive)
ELECTION DISTRICT: 11th
COUNCILMANIC DISTRICT: 5th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMPS (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
- (X) OTHER - STAY 3'-0" FROM INTERIOR PROPERTY LINE OR BLDG CODE REQUIRES A (1) HR. RATED WALL - NO OPENINGS PERMITTED WITHIN 5'-0" OF AN INTERIOR PROPERTY LINE.

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

August 1, 1990



Dennis F. Rasmussen
County Executive

Stella Josephine Boyd
11212 Sheradale Drive
Kingsville, Maryland 21087

Re: CASE NUMBER: 90-543-A
Case Number(s): Stella Josephine Boyd
Petitioner(s): 11212 Sheradale Drive
Location:

Dear Petitioner:

Please be advised that due to scheduling conflicts beyond our control, the above matters, previously set to be heard on Wednesday, September 19, 1990 cannot go forward on that date.

This case has been rescheduled for MONDAY, SEPTEMBER 17, 1990 at 11:30 a.m.

This office regrets any inconvenience caused by this change and thanks you for your cooperation and understanding.

Very truly yours,

G. G. Stephens
(301) 887-3391

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

July 24, 1990



Dennis F. Rasmussen
County Executive

Stella Josephine Boyd
11212 Sheradale Drive
Kingsville, Maryland 21087

Re: CASE NUMBER: 90-543-A
ITEM: 431
LOCATION: 11212 Sheradale Drive

Dear Petitioner:

By Order of the Zoning Commissioner's Office, dated July 20, 1990, this matter can not be decided through the administrative process and must be scheduled for a public hearing.

Formal notification of the hearing date will be forwarded to you shortly. As you recall, it will now be necessary to re-post the property and run notice of the hearing in two local newspapers. You will be billed for these advertising costs.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

G. G. Stephens
(301) 887-3391

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

June 12, 1990



Dennis F. Rasmussen
County Executive

Ms. Stella J. Eoyd
11212 Sheradale Drive
Kingsville, MD 21087

RE: CASE NUMBER: 90-543-A
ITEM NUMBER: 431
LOCATION: 11212 Sherwood Drive

Dear Petitioner:

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number.

Your property will be posted on or before June 26, 1990. After the closing date (July 12, 1990) for filing a request for hearing has passed, the file will be taken to the Zoning Commissioner for review. You will next receive from this office:

1) Notice that a formal request for hearing has been filed, taking the matter out of the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice.

OR

2) Notice that the matter has completed the administrative process and that you may return the sign/post and pick-up your Order.

Very truly yours,

G. G. Stephens / cee
Gwen G. Stephens
Docket Clerk

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 11212 SHERADALE DRIVE, OR

Subdivision name: KINGS COUNTRY

Plat book: 12, lot 2, section 1

OWNER: STELLA JOSEPHINE BOYD

11212 SHERADALE DRIVE, OR

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